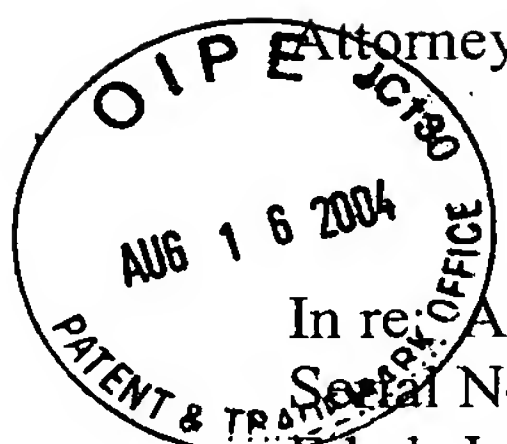


ITW P



Attorney's Docket No. 9400-62

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Anschutz et al.

Confirmation No.: 2954

Serial No.: 10/756,790

Group Art Unit: 2141

Filed: January 13, 2004

For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR  
MODIFYING BANDWIDTH AND/OR QUALITY OF SERVICE FOR A USER  
SESSION IN A NETWORK

Date: August 12, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of January 13, 2004 rather than January 14, 2004, as the application was deposited as "Express Mail" in the U.S. Postal Service on January 13, 2004. The following is enclosed as evidence that January 13, 2004 is the correct filing date for the application, which was filed properly under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the stamped Express Mail Receipt, showing deposit with the USPS on January 13, 2004, along with a copy of the USPS-Delivery Confirmation, showing delivery at the USPTO on January 14, 2004 at 9:48 a.m.; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of January 14, 2004 instead of the Express Mail date of January 13, 2004.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of January 13, 2004 as the filing date pursuant to 37 CFR § 1.10.

As applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505, this petition is being filed due to error on the part of the USPTO. Accordingly, Applicants believe that no fee is due; however,

In re: Anschutz et al.  
Serial No.: 10/756,790  
Filed: January 13, 2004  
Page 2 of 2

the Commissioner is authorized to charge any deficiency or credit any overpayment to  
Deposit Account No. 50-0220.

Respectfully submitted,



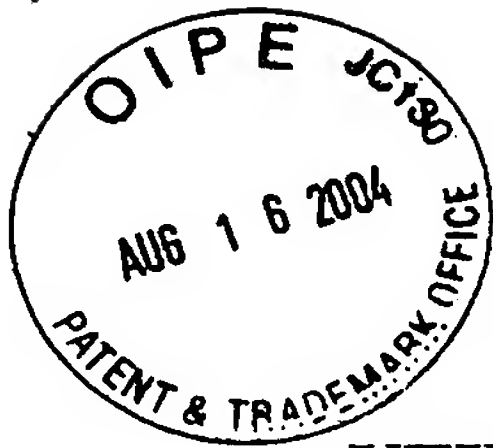
D. Scott Moore  
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer Number 39072

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Office of Patent Legal Administration, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on August 12, 2004.

  
Traci A. Brown



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UTILITY DOCKET NO.: 9400-62 (030408)

DATE: January 13, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☒ and claims the benefit of Provisional Application No. 60/470,650; filed May 15, 2003.

Inventor(s) or Application Identifier:

**Thomas Arnold Anschutz-- Conyers, Georgia**  
**Nicholas Steven Huslak -- Duluth, Georgia**  
**Edgar Vaughan Shrum, Jr.-- Smyrna, Georgia**  
**Scott Traynham Stillman-- Peachtree City, Georgia**

Entitled: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR  
MODIFYING BANDWIDTH AND/OR QUALITY OF SERVICE FOR A USER  
SESSION IN A NETWORK**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 39072

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 88 pages of Specification (including 55 claims)
3. ☒ 27 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

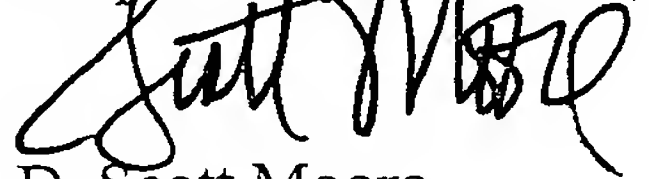
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and reference cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of                      Application No.                      ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	55 - 20 =	35	x 09 = \$	x 18 = \$630.00
INDEP CLAIMS	4 - 3 =	1	x 43 = \$	x 86 = \$86.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1486.00

- ☐ A check in the amount of \$                      to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1526.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$.00.
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



D. Scott Moore

Registration No. 42,011

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 381447474 US

Date of Deposit: January 13, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Traci A. Brown



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<b>MYERS BIGEL SIOLEY &amp; SAJUDCO</b> <b>PO BOX 37428</b> <b>RALEIGH NC 27607-1428</b>	
<b>LD SM/TL 9400-62</b>	

TO: (PLEASE PRINT)	PHONE ( ) - ( ) - ( )
<b>Mail Stop Patent Application</b> <b>Commissioner for Patent</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	

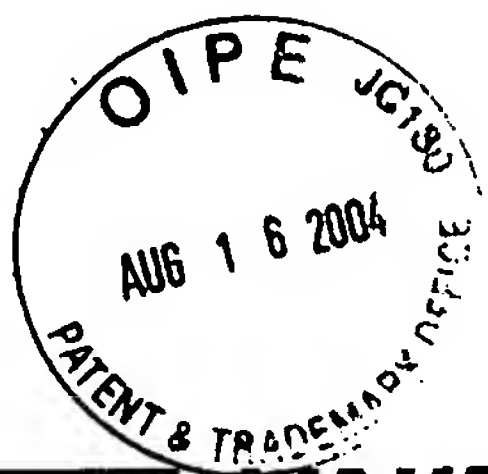
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**UNITED STATES**  
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Date: 08/05/2004

Fax Transmission To: SCOTT MOORE  
Fax Number: 919-854-1401

Dear SCOTT MOORE:

The following is in response to your 08/05/2004 request for delivery information on your Express Mail item number EV381447474US. The delivery record shows that this item was delivered on 01/14/2004 at 09:48 AM in ALEXANDRIA, VA 22313 to J STECKEL. The scanned image of the recipient information is provided below.

Signature of Recipient:

*James Steckel*  
*James Steckel*  
P & T OFFICE

Address of Recipient:

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P. O. BOX 1450  
Alexandria, VA 22313

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Mail Stop Patent Application

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DSM/H6

Date: 1/13/04

Doc. No. 9400-62

01-22-04

Serial No. H6a

Inventor: Anschutz et al

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

✓ Application Transmittal and:

✓ Specification pages 88

✓ No. of Claims 55

✓ Declaration & POA

✓ Assignment and Fee

Small Entity Statement

✓ Formal Drawings/27 sheets

Associate Power of Attorney

✓ Exp. Mail

1st Class Mail

Other:

✓ Check \$ 1526.00

IDS & PTO-1449 & refs.

Amendment & Amend. Transmittal

Preliminary Amendment

Issue Fee

Brief

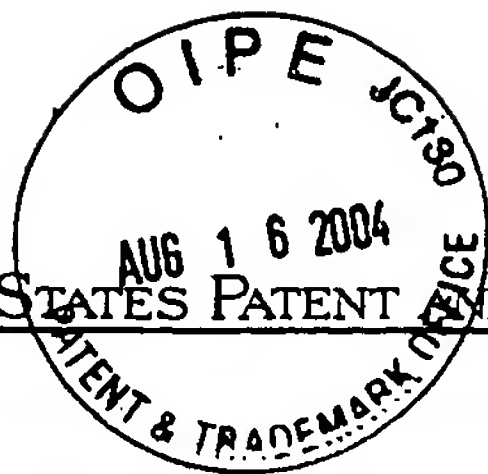
Appeal

Submittal of Priority Doc.

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

31355 U.S. PTO  
10/756790





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UNITED STATES DEPARTMENT OF COMMERCE  
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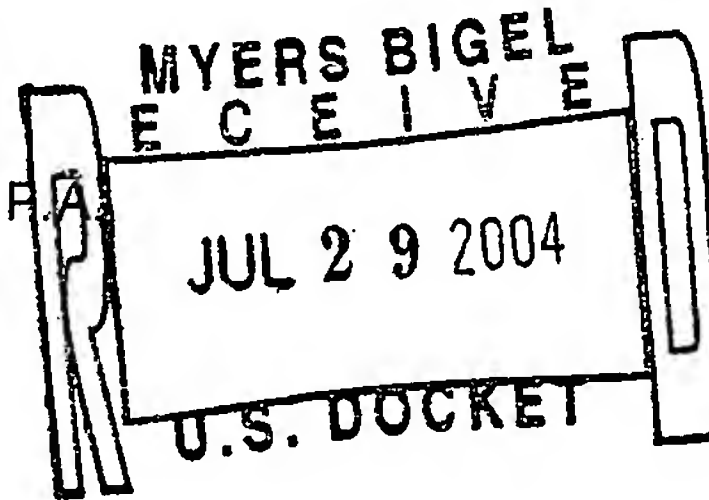
RSM

APPL NO.	FILING OR 371 (c) DATE	ART. UNIT	FIL FEE REC'D	CLASS	CLASS	CLASS	DRAWINGS	TOT CLMS	IND CLMS
10/756,790	01/14/2004	2141	1486	9400-62 (030408)			27	55	4

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39072

MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
 P.O. BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 2954

FILING RECEIPT



\*OC000000013346956\*

Date Mailed: 07/27/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Thomas Arnold Anschutz, Conyers, GA;  
 Nicholas Steven Huslak, Duluth, GA;  
 Edgar Vaughan Shrum JR., Smyrna, GA;  
 Scott Traynham Stillman, Peachtree City, GA;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/470,650 05/15/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 07/26/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

07-29-04 AUG:10 IN

**Title**

Methods, systems, and computer program products for modifying bandwidth and/or quality of service for a user session in a network